

7-D

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated relating to portions of the Roxbury District of the City of Boston be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Robert L. Farrell
Joseph J. Walsh
James K. Flaherty

Clarence J. Jones
Michael F. Donlan

A true copy

ATTEST:

Karee Simonian
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, ("Authority") a public body politic and corporate, duly organized and existing pursuant to the provisions of Massachusetts General Laws, Chapter 121, as superseded and amended by its successor Statute Chapter 121B, as amended, and having its principal office in Boston, Suffolk County, Massachusetts, in pursuance of its powers as set out in said laws and every other power thereunto enabling, determined that the area located within the City of Boston and described in EXHIBIT A ("Property"), constitutes a substandard and decadent area as defined in Chapter 121B, as amended;

WHEREAS, the Authority originally acquired title to the property by deed from the City of Boston, dated July 23, 1970, and recorded with the Suffolk County Registry of Deeds at Book 8384, page 452;

WHEREAS, the Authority deeded the Property to Urban Housing Associates "B" by deed dated December 29, 1970, and recorded with Suffolk County Registry of Deeds at Book _____, page _____;

WHEREAS, Urban Housing Associates "B" granted a mortgage to Worcester Federal Savings and Loan Association, Worcester,

Massachusetts, recorded with Suffolk County Registry of Deeds at Book 8412, page 79, which mortgage was assigned to the Secretary of Housing and Urban Development by instrument recorded with Suffolk County Registry of Deeds at Book 8616, page 613;

WHEREAS, the Secretary of Housing and Urban Development foreclosed said mortgage for breach of the conditions thereof, and conveyed the Property to the Secretary of Housing and Urban Development by deed recorded with Suffolk County Registry of Deeds at Book 8871, page 655;

WHEREAS, the Authority acquired title to the Property by deed from the Acting Secretary of Housing and Urban Development of Washington, D.C., acting by and through the Federal Housing Commissioner, dated September 21, 1979, and recorded with the Suffolk County Registry of Deeds at Book 9290, page 41;

WHEREAS, the foreclosure documents recorded by the Secretary of Housing and Urban Development and the subsequent deed from the Secretary to the Authority reveal that certain defects occurred in the execution and timing thereof ("foreclosure defects");

WHEREAS, the Authority, pursuant to a Land Disposition Agreement dated January 14, 1987, recorded with the Suffolk County Registry of Deeds in Book 13456, page 66, ("LDA") conveyed the Property to Casa Esperanza, Inc., a Massachusetts non-profit

corporation, by deed dated January 14, 1987, Book 13458, page 109 ("Casa Esperanza Deed"); and

WHEREAS, the Authority is making this confirmatory taking solely to cure the foreclosure defects and hence remove any cloud on the title to the Property that may have arisen due to the foreclosure defects and to conform that the LDA and the Casa Esperanza Deed conveyed good and clear record title to the Property (i.e., title free of the foreclosure defects) from the Authority to Casa Esperanza, Inc.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of Massachusetts General Laws, Chapter 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the Property, together with any and all easements and rights appurtenant thereto, including the trees, buildings and other structures standing upon or affixed thereto, and include the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the Property taken hereby, provided such fee is a part of the Property, except any and all easements of travel in and to any and all public streets, high-

ways and public ways in said area or areas or contiguous and adjacent thereto. No damages are awarded as none have been sustained.

Since the purposes of this confirmatory taking are solely to cure the foreclosure defects and hence remove any cloud on the title to the Property that may have arisen due to the foreclosure defects and to confirm that the LDA and the Casa Esperanza Deed conveyed good and clear record title to the Property (i.e., free of the foreclosure defects) from the Authority to Casa Esperanza, Inc., the Authority hereby expressly excludes from this taking all right, title and interest in and to the Property conveyed to Casa Esperanza, Inc., by the LDA and the Casa Esperanza Deed; i.e., it is the intention of the Authority that this taking shall in no way whatsoever affect Casa Esperanza, Inc.'s title to the Property except to remove any cloud on such title that may have arisen due to the foreclosure defects.

AND FURTHER ORDERED, that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the Suffolk County Registry of Deeds.

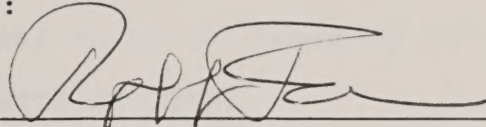
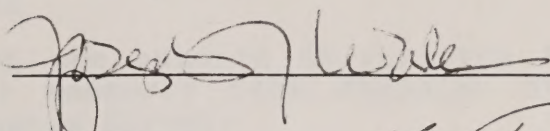
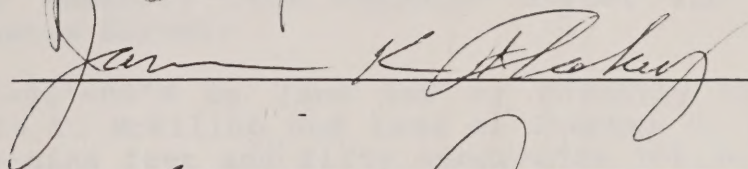
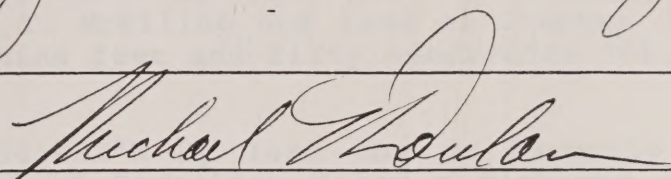
IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the

Authority to be hereto affixed and these presents to be signed in
the name and behalf of the Boston Redevelopment Authority.

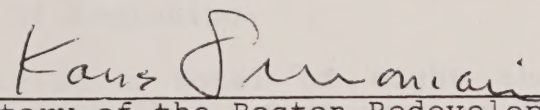
DATED:

BOSTON REDEVELOPMENT AUTHORITY

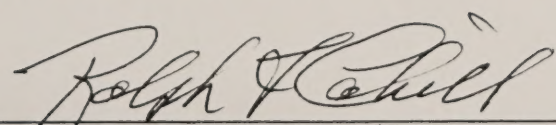
By:

ATTEST:


Secretary of the Boston Redevelopment Authority

Approved as to Form:


Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

AREA DESCRIPTION

The following parcel is to be taken by this Order of Taking:

PARCEL NO. 723 (291 EUSTIS STREET)
BOSTON, MASSACHUSETTS

Beginning at a point one hundred thirty-five feet and thirteen hundredths (135.13') westerly from Magazine Street and on the southerly side of Eustis Street;

thence running S35°-02'-00"W by land now or formerly owned by Robert J. and Majorie T. McKillop and land of Stephen H. Couture a distance of ninety-nine feet and fifty hundredths (99.50') to a point;

thence running N55°-34'-42"W by land now or formerly owned by Rudolph Toper and land of Cornelius Kiley a distance of eighty-one feet and forty-two hundredths (81.42') to a point;

thence running N33°-32'-00"E by land now or formerly owned by Levy a distance of ninety-nine feet and sixty-seven hundredths (99.67') to a point;

thence running S55°-28'-00"E along Eustis Street for a distance of eighty-four feet and twenty-five hundredths (84.25') to the point of beginning.

Containing a total of eight thousand two hundred seventy-one square feet (8,271.00') more or less.

All being shown on a plan dated December 15, 1969, by R. E. Cameron and Associates.

The owner of the parcel of land hereby taken is unknown.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

AWARD OF DAMAGES

No awards are made with this Order of Taking.

MEMORANDUM

September 15, 1988

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: PETER DREIER, ASSISTANT DIRECTOR FOR HOUSING
ANTHONY WILLIAMS, ASSISTANT DIRECTOR
FOR NEIGHBORHOOD HOUSING AND DEVELOPMENT
RALPH CAHILL, ASSISTANT GENERAL COUNSEL

SUBJECT: CONFIRMATORY ORDER OF TAKING
PARCEL 723, AN INFILL BUILDING AT 291 EUSTIS STREET
ROXBURY.

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SUMMARY: A Confirmatory Order of Taking to cure foreclosure defects found in the chain of title.

Parcel 723 was conveyed to Casa Esperanza on January 14, 1987, for rehabilitation of an existing building as a recovery home for alcoholics.

The Redeveloper is closing on permanent financing and the title attorney found defects in the prior title.

It is requested that the Authority adopt a Confirmatory Order of Taking to cure defects. This Taking does not involve our acquiring the Parcel nor any award of damages.

An appropriate vote follows:

VOTED: that the Authority adopt and execute an Order of Taking for Parcel 723, also known as 291 Eustis Street, in Roxbury, for title purposes only and does not involve the acquisition of any right, title and interest that Casa Esperanza has in 291 Eustis Street, Roxbury.

